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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,089	12/30/2003	Mauro Dresti	81230.87US2	7957
34018 7590 07/20/2007 GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			EXAMINER HUYNH, SON P	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 07/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,089

Applicant(s)

DRESTI ET AL.

Examiner

Son P. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to newly added claims 21-31 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues the remote access device (24) of Ellis is nevertheless used only to exchange information with on interactive television program guide. (see pars. 0092+). Since the relevant programming of the remote access device(24) of Ellis is adapted to exchange information only with the interactive television program guide, ... the programming of the remote access device (24) of Ellis cannot itself be used to directly command appliance function, i.e., the relevant programming of the remote access device (24) of Ellis is itself inoperable without the interactive television program guide of a home appliance... The memory of the remote access device (24) of Ellis must only store the data that is needed to facilitate information exchanges with the singularly implemented interactive television program guides. (see para. 0096). As such, the remote access device (24) of Ellis is not a remote control device of the universal type (page 8).

In response, these arguments are respectfully traversed.

It is noted that the limitation "remote control device of universal type" is not recited in the claims. Paragraph 96 describes "remote program access device may communicate with interactive television guide equipment using any suitable

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scheme...Remote program guide access device 24 may, for example, run a standard remote access client such as a Window... Any suitable combination of hardware and software may be used.” There is nowhere in the Ellis reference discloses “the remote access device (24) must only store the data that is needed to facilitate information exchanges with the singularly implemented interactive television program guides.

In fact, Ellis discloses program guide information (e.g., reminder information, listings information (program title, channel, time, description, theme, etc.), recording information, favorites settings, parental control, etc.) are stored on storage 56 of the remote access device (see include, but are not limited to, paragraphs 0067, 0103, 0129). The program guide screen/page generated using program guide information includes channel buttons, “reminder” button, “recording” button, etc. (see include, but are not limited to, paragraphs 0113, 0117, 0125). Ellis also discloses the remote access program guide run by remote access device (24) also provide a user with an opportunity to control user television equipment 22 remotely. A user may, for example, position highlight region 201 over a setting, select the setting, and change its value. The user may, for example, change the current channel, the current volume, or control user television equipment 22 in any other suitable manner (paragraph 0138). The user may uses the remote access device 24 to select any programs for recording on their videocassette recorder or other storage device in the home, or on a server (paragraph 0017). Thus, the remote access device 24 can be used for control functions a plurality of appliances (e.g., control recording of videocassette recorder, any storage devices, or change channel, change volume, etc. of device at user television equipment).

Rejections on the claims are analyzed as discussed below.

Claims 1-20 have been canceled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-25, 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 2005,0028208 A1) – hereinafter referred to as E208, in view of Baker et al. (US 6,597,374 B1).

Note: US 20030149988 A1 (hereinafter referred to as E988) is continuation of application Ser. No. 09/332,244, which is incorporated by reference in its entirety in E208 (see E208 –paragraphs 0017, 0127).

Regarding claim 21, E208 discloses a method for displaying programming information in a display of a remote control device having a memory (e.g., displaying program guide information in a display of remote access device 24 having memory 56– see include,

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but are not limited to, figures 5, 8-10, paragraph 0092). E208 further storage 56 of the remote control stored program guide information (e.g., reminder settings, favorite settings, listings information including information for icons of title, channel, time, etc.) – see include, but are not limited to, paragraphs 0067, 0103, 0129, figures 5, 7-10). The remote access device (24) can be used to set reminder (e.g., by selection of “reminder” button displayed on screen of remote access device) or select channel for recording a program on videocassette record, digital storage device or any other device by selection of “channel” and “recording” buttons displayed on the screen of remote access device (see include, but are not limited to, figures 7-10, paragraphs 0017, 0117, 0125-0127; the remote access device (24) can be used to remotely change the current channel being tuned, change volume, or control user television equipment 22 in any other suitable manner (see include, but is not limited to, paragraph 0138). Ellis further discloses user selects a particular button/key on the remote access device to command operations of a plurality of appliances such as commanding particular recording device to record a program, commanding the set top box to tune to particular channel, or commanding the user television equipment to send favorite program guide information for display on the display of the remote access device, etc. – see include, but are not limited to, figures 2a-5, 7-10, paragraphs 0107-0110, 0125-0127, 0138). A library of command codes for use in commanding operations of a plurality of appliances must be stored in the memory (e.g. storage 56) of the remote access device so that when the user select a button/key using the remote access device 24, a particular device at the user television equipment performs appropriate operation (e.g. recording, setting

reminder, generate favorite program guide, tune to a channel, change volume, etc.) in response to the command from the remote access device, the method comprising:

creating a favorites page displayable in the display of the remote control, the favorites page being comprised of a plurality of icons wherein each of the plurality of icons is associated with a channel that is tunable to by at least one of the plurality of appliances (generating a program guide screen, based on user profiles/preferences settings, favorite program settings, for display on the screen of the remote access device, the generated program guide screen being comprised of a plurality of icons such as channel icons, program title icons, etc. wherein each of the plurality of icons (e.g. channel icon, program icon, etc.) is associated with a channel (e.g. channel 2 (CBS), channel 47 (HBO), etc.) that is tunable by at least the set top box, recording device for view or recording – see include, but are not limited to, figures 3-4, 7-10, paragraphs 0017, 0107-110, 112-115, 0117, 0123-0126, 0134);

E208 further discloses user selects a particular buttons/icons (e.g. program title icon, channel icon, theme icon, reminder button, recording button, etc.) on the displayed screen to command a particular device at the user television equipment to perform associated function such as tune to a channel/program associated with the selected icon to view, to record, set a reminder, etc., - see include, but are not limited to, figures 2a-5, 7-10, 18-22, paragraphs 0107-0110, 0125-0127, 0134, 0138, 0163-0164, 0171 and discussed in “response to argument” above). Thus, each of the plurality of icons within the favorite page is inherently assigned with at least one command code from the library of command codes stored in the memory of the remote control device (for

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example, channel icon is assigned with channel command code, reminder button is assigned with reminder command code, recording button is assigned with recording command code, etc.) so that when an icon/button on the screen is selected, a function assigned to the selected icon/button is performed;

the at least one command code assigned to each of the plurality of icons being appropriate for causing an intended recipient one of the plurality of appliances to tune to the channel associated with each of the plurality of icons when transmitted from the remote control device to the intended recipient one of the plurality of appliance so that a selected device performs the function (e.g. tune to the selected channel) associated with the selected channel icon on the screen;

E208 further discloses displaying in the display of the remote control device the favorite pages (displaying program guide screen based on user profile, preferences, etc. - see include, but are not limited to, paragraphs 0123-0127);

in response to the user selecting one of the plurality icons in the favorite page when displayed in the display of the remote control device, displaying in the display of the remote control device in a first window area information relevant to content available from a provider of content on the channel associated with the selected one of the plurality of (e.g. in response to user selection of the icon, display information such as program title, description, channel, pay per view information, or reminder information, etc. associated with the selected icon on an area of the display screen – see include, but are not limited to, figures 7-10, 42, paragraphs 0115, 0118-0119, 0127-0129, 0154, E988: figures 14d-16, 20, and Boyer, figures 16, 27).

E208 discloses the remote access device 24 commands operations of a plurality of appliances (videocassette recorder, set top box, storage device, etc. – paragraph 0017). However, E208 does not explicitly disclose the remote control directly commands operations of a plurality of appliances.

Baker discloses a remote control comprises a display for displaying favorite page (figures 1-2,4,7b), the remote control also having a memory 34 in which is stored a library of command codes for use in directly commanding operations of a plurality of appliances (see include, but are not limited to, figures 1-3, 12, col. 4, lines 1-55, col. 5, line 1-col. 6, line 47, col. 6, line 62-col. 7, line 21, col. 8, lines 39-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 with the teaching as taught by Baker in order to reduce delay of transmitting command to controllable device.

Regarding claim 22, E208 in view of Baker discloses a method as discussed in the rejection of claim 21. E208 further discloses the program guide listings include information of the channel currently being presented by the provider of the content on the channel and displayed additional information of the channel associated with the selected icon (paragraphs 0067, 0112-0113; E988: figure 18c, Boyer, figures 16, 18, 26 paragraph 0102). Inherently, when the user selects an icon on the program guide display screen associated with content currently being presented by the provider of the content on the channel (e.g., KCBS, CNN, etc.), information relevant to the selected

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icon will be displayed on the first area window (e.g. area for displaying detail information of the channel associated with the selected icon – see include, but is not limited to, Boyer, figure 16).

Regarding claim 23, E208 in view of Baker discloses a method as discussed in the rejection of claim 21. E208 further discloses the information displayed in the first window area is relevant to content to be presented in the future by the provider of content on the channel associated with the selected one of the plurality of icons (display on the screen additional/detail information of the future program associated with the selected icon – see include, but are not limited to, paragraphs 0115, 0117-0118, and discussed in claim 12 when an icon associated with future program is selected).

Regarding claim 24, E208 in view of Baker discloses a method as discussed in the rejection of claim 22. E208 further discloses displaying in the display of the remote control device in a second window, in response to the user selecting of one of the plurality of icons, information relevant to content to be presented in the future by the provider of content on the channel associated with the selected one of the plurality of icons (display on portion of the screen additional/detail information of the future program associated with the selected icon – see include, but are not limited to, paragraphs 0115, 0117-0118, and discussed in claim 12 when an icon associated with future program is selected).

Regarding claim 25, E208 in view of Baker discloses a method as discussed in the rejection of any one of claim 21-24. E208 further discloses selected device at the user television equipment receives a command from the remote access device and performs appropriate function such as recording, set reminder, tuning to selected channel, etc. in response to the user selecting of one of the plurality of icons in the program guide screen when displayed in the display of the remote access device 24(see include, but are not limited to, paragraphs 0015, 0107-0110, 0123, 0134, 0138, 0154, 0160-0163). Thus, in response to the user selecting of one of the plurality icons in the favorites page when displayed in the display of the remote control device, the remote control device inherently transmit the at least one command code assigned to the selected one of the plurality of icons so that appropriate function (e.g., tuning, recording, etc.) is performed by the selected device at the user television equipment in response to the selected icon.

Regarding claim 27, E208 in view of Baker discloses a method as discussed in the rejection of any one of claims 21-23. E208 further discloses the user using the remote access device to command displaying of additional/detail information, reminder, etc. of the selected program, pay per view program, etc. on the screen, the user also select to close display of the additional/detail information, reminder, etc. (for example, after user selects "Ok" or "NO" or "Yes" or "Cancel" or when the user select another icon on the program guide, see include, but are not limited to, figure 9, paragraphs 0115, 0117-0119, 0154, E988: figures 14b-17, Boyer, figure 16). Thus, the limitation of "accepting user input into the remote control that functions to expand and contract the first window

area in the display of the remote control device" is interpreted as receiving user input into the remote access device that functions to display additional information, detail information, or reminder of the program on an area of the display screen and close the area that displayed detail information, reminder, additional information on the screen.

Regarding claim 28, E208 in view of Baker discloses a method as discussed in the rejection of claim 27. E208 further discloses expansion and contraction of the first window area allows overlay and display, respectively, of a user interface page having command function keys simultaneously displayed in the display of the remote control and having command function keys activatable to cause the remote control device to transmit to one or more of the plurality of appliances further command codes from the command code library (interpreted as expansion of window area 1331, window area 1339, window area 1347, window area 370, or window area 380, in response to user selecting of an icon on the program guide such as icon associated with currently broadcast program (program being watched) allows the window area 1331, 1339, or 1347 overlay program guide, and contraction/removing of the window area in response to user selection "No" or "Cancel", or "OK" , or "Yes" on the window allows display of the program guide; wherein the program guide has command functions keys such as channel buttons, program title buttons, reminder button, etc. that is when selected, to cause the remote access device to transmit a command (and inherently with a command code selected from the command code library) the a particular device at the user television equipment to perform associated function such as tune to channel to

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receive selected program, command the selected recording device to record selected program, etc.— see include, but is not limited to, figures 7 –10, 16-19, paragraphs 0108-0110, 0117-0119, , 0134, 0154, 0164, 0220, E988: figures 14b, 14d, 14e, 15a-16, paragraphs 0134-0138).

Regarding claims 29-30, the limitations that corresponding to the limitations of claims 27-28, and are analyzed as discussed in the rejection of claims 27-28 respectively, wherein functions to expand and contract the second window area is interpreted as the user selects to display additional information, detail information, or reminder of the future program on an area of the display screen and then close the area that displayed the reminder, additional information, or detail information of future program (see include, but are not limited to, figure 9, paragraphs 0115, 0117-0119, 0154, E988, figures 14b-17, Boyer, figure 16).

Regarding claim 31, E208 in view of Baker discloses a method as discussed in the rejection of claim 21. E208 further discloses wherein the favorite page is created and each of the plurality of icons within the favorites pages is assigned at least one command code from the library of command codes stored in the memory of the remote control device in response to user input received directly into the remote control device (e.g., user input a “guide” or “menu” button on the remote access device to display to the program guide screen based on user profile/preferences, wherein the program guide screen having a plurality of icons – see include, but are not limited to paragraphs

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0108-0110, 0123-0127), wherein the limitation "user input is received directly into the remote control device" is interpreted as user presses/touch button/icon on the remote access device 24).

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over E208 in view of Baker as discussed in claim 24 above, and further in view of Kondo et al. (US 6,763,522).

Regarding claim 26, E208 in view of Baker teaches a method as discussed in the rejection of claim 24. However, E208 does not explicitly disclose first window area and second window area are simultaneously displayed with the program guide page.

Kondo discloses the event information panel 52 and further event information panel 65 or 142 are displayed simultaneously with program guide page which contains selected channel icon 54 (see include, but are not limited to, figures 2A-2C). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 in view of Baker to use the teaching of simultaneously displaying first window area (which display information of content associated with a selected icon) and second window area (which display information of content associated with another selected icon) with the program guide screen in order to allow the user to simultaneously see the detail/additional information of the selected icons thereby allow the user to compare and select a prefer content.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kitao et al. (US 6,124,804) discloses remote controller, remote control interface, and remote control system including a remote controller and a remote control interface.

Johns et al. (US 6,157,319) discloses universal control system with device activated setup.

Hayes et al. (US 2002/0140855 A1) discloses system and method for using a hand held device to display readable representation of an audio track.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

July 12, 2007


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